

**Congress of the United States**  
**Washington, DC 20515**

August 16, 2022

Nancy Pelosi  
Speaker  
U.S. House of Representatives

Charles Schumer  
Senate Majority Leader  
U.S. Senate

Steny Hoyer  
House Majority Leader  
U.S. House of Representatives

Dear Speaker Pelosi, House Majority Leader Hoyer, Senate Majority Leader Schumer:

We write to express our concern over the deployment of invasive surveillance technologies by U.S. Customs and Border Protection (CBP) on border communities and far into the interior with minimal oversight or accountability. As you consider the FY 2023 Appropriations bills, we urge you to consider shifting funding away from harmful surveillance technology and investing in border communities.

As members of Congress representing border regions and beyond, we are concerned by the expansion of CBP’s “digital border wall” and its impact on our communities. Day and night, residents in border regions are tracked by cameras and sensors, limiting their sense of freedom of movement in their home, in their car, or on the street.<sup>1</sup> Surveillance technologies impact entire communities by impeding the rights of indigenous communities, harming the environment, devaluing property, and hindering tourism and business. What’s more disturbing, border communities often do not know what types of surveillance technologies the government is testing or using on them.<sup>2</sup> Border surveillance technologies also impact communities far beyond the border, as evidenced by CBP’s use of these technologies to illegally surveil journalists<sup>3</sup> and Black Lives Matter protesters.<sup>4</sup>

Although border surveillance technologies are often marketed as a “humane” or “smart” alternative to a physical border wall, it is evident that these technologies fail to achieve their

---

<sup>1</sup> See, e.g., Will Parrish, U.S. Border Patrol and an Israeli Military Contractor Are Putting a Native American Reservation Under ‘Persistent Surveillance,’ *The Intercept*, Aug. 2019, <https://theintercept.com/2019/08/25/border-patrol-israel-elbit-surveillance/>; Cyrus Farivar, Man removes feds’ spy cam, they demand it back, he refuses and sues, *Ars Technica*, Feb. 2018, <https://arstechnica.com/tech-policy/2018/02/rancher-finds-creepy-and-un-american-spy-cam-tied-to-his-tree-sues-feds/>.

<sup>2</sup> See e.g., Peter Hirschfeld, In A ‘Fishbowl’: Vermont Border Towns Fight Feds’ Push For Surveillance Towers, *Vermont Public Radio*, Apr. 2, 2021, [www.vpr.org/vpr-news/2021-03-31/in-a-fishbowl-vermont-border-towns-fight-feds-push-for-surveillance-towers](http://www.vpr.org/vpr-news/2021-03-31/in-a-fishbowl-vermont-border-towns-fight-feds-push-for-surveillance-towers).

<sup>3</sup> See, e.g., Tom Jones et al, Source: Leaked Documents Show the U.S. Government Tracking Journalists and Immigration Advocates Through a Secret Database, *NBC San Diego*, <https://www.nbcsandiego.com/news/local/source-leaked-documents-show-the-us-government-tracking-journalists-and-advocates-through-a-secret-database/3438/>; Mila Jasper, CBP Shifts to Enterprise Approach to Manage Phone Searches at U.S. Borders, *NextGov*, Aug. 14, 2021, <https://www.nextgov.com/policy/2020/08/cbp-shifts-enterprise-approach-manage-phone-searches-us-borders/167724/>.

<sup>4</sup> Zolan Kanno-Youngs, U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance, *NY Times*, Jun. 19, 2020, <https://www.nytimes.com/2020/06/19/us/politics/george-floyd-protests-surveillance.html?smid=tw-share>.

stated purpose<sup>5</sup> and are inhumane. Moreover, a recent study found that border surveillance technologies were a significant factor contributing to increased death rates among migrants crossing the border.<sup>6</sup>

As Congress considers the Department of Homeland Security (DHS) Fiscal Year 2023 (FY23) Budget and other spending bills, we have strong reservations about funding more invasive technologies that are wasteful and insidious.<sup>7</sup> In recent years, Congress has significantly grown its investment in the digital border wall. Between FY17 and FY20, Congress gave CBP more than \$743 million for border surveillance technologies.<sup>8</sup> The FY22 bill contained \$425 million for CBP border surveillance technology, one of the largest fiscal year amounts in recent years.

It is time we stop issuing a blank check to CBP to purchase technologies that jeopardize the privacy, civil rights and civil liberties of our communities. We respectfully request strict limits and oversight prior to the funding or deployment of CBP surveillance technologies, including a public notice and comment period with legal and use justification and a list of contracts and solicitations. This oversight must also require a privacy impact assessment, a National Environmental Policy Act (NEPA) review, and obtaining affirmative consent from community members impacted by the technology, such as local government and Tribal officials, migrant rights and civil rights experts, and local residents.

Sincerely,



Veronica Escobar  
Member of Congress

---

<sup>5</sup> Oversight agencies have been issuing reports questioning the effectiveness of “smart” border technologies for over a decade, see, e.g.: Joseph V. Cuffari, CBP Has Improved Southwest Border Technology, but Significant Challenges Remain, DHS Office of the Inspector General, Feb. 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-02/OIG-21-21-Feb21.pdf>; Government Accountability Office, Border Security: Progress and Challenges with the Use of Technology, Tactical Infrastructure, and Personnel to Secure the Southwest Border, March 15, 2018, <https://www.gao.gov/products/gao-18-397t>; Government Accountability Office, DHS Needs to Reconsider Its Proposed Investment in Key Technology Program, May 2010, <https://www.gao.gov/assets/gao-10-340.pdf>.

<sup>6</sup> Geoffrey Alan Boyce et al., Democrats’ ‘smart border’ technology is not a ‘humane’ alternative to Trump’s wall, The Hill, Feb. 2019, <https://thehill.com/opinion/immigration/429454-democrats-smart-border-technology-is-not-a-humane-alternative-to-trumps>.

<sup>7</sup> Tanvi Misra, The Problem With a ‘Smart’ Border Wall, Bloomberg, Feb. 12, 2019, [www.bloomberg.com/news/articles/2019-02-12/the-problem-with-a-smart-border-wall](http://www.bloomberg.com/news/articles/2019-02-12/the-problem-with-a-smart-border-wall); DHS Office of the Inspector General, U.S. Customs and Border Protection’s Unmanned Aircraft System Program Does Not Achieve Intended Results or Recognize All Costs of Operations, Dec. 24, 2014, [https://www.oig.dhs.gov/assets/Mgmt/2015/OIG\\_15-17\\_Dec14.pdf](https://www.oig.dhs.gov/assets/Mgmt/2015/OIG_15-17_Dec14.pdf).

<sup>8</sup> Joseph V. Cuffari, CBP Has Improved Southwest Border Technology, but Significant Challenges Remain, DHS Office of the Inspector General, Feb. 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-02/OIG-21-21-Feb21.pdf>.



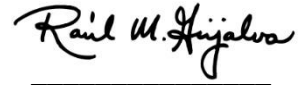
---

Eleanor Holmes Norton  
Member of Congress



---

Rashida Tlaib  
Member of Congress



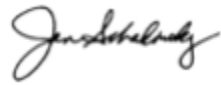
---

Raúl M. Grijalva  
Member of Congress



---

Jesús G. “Chuy” García  
Member of Congress



---

Jan Schakowsky  
Member of Congress



---

Judy Chu  
Member of Congress